

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GARY DAVIS

Plaintiff,

v.

FRANCIS NAVARRE and
JOHN DOES 1&2;

Defendants.

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CIVIL ACTION FILE
NO.

PETITION FOR REMOVAL

COMES NOW defendant Francis Navarre (“Defendant”), by and through counsel, and by way of special appearance, without waiving but specifically reserving all jurisdictional defenses available to him, and hereby files this Petition for Removal of the above-styled action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

1.

Plaintiff initiated this action in the Superior Court of Towns County, Georgia, where it was styled *Gary Davis vs. Francis Navarre and John Does 1 & 2*, Civil Action Number SUCV2023000112. (Exhibit A, all Superior Court processes, pleadings and orders).

2.

Plaintiff responded to Defendant's Request for Admissions admitting the amount in controversy in this case exceeds the jurisdictional requirement of \$75,000, for federal court jurisdiction under 28 U.S.C. § 1332(a). (Exhibit B, Plaintiff's Responses to Defendant's Request for Admissions).

3.

Plaintiff is a citizen of Georgia, residing in Blairsville, Georgia (Compl. ¶1) and has resided in Georgia continuously since the accident date (Ex. B).

4.

Defendant is a resident and citizen of the state of Ohio (Answer ¶2)

5.

There is complete diversity of citizenship between Plaintiff and all named Defendants.

6.

Because this action was brought in the Superior Court of Towns County, it is properly removed to the Gainesville Division of the United States District Court for the Northern District of Georgia, pursuant to 28 U.S.C. §§ 1441(a) and 1446.

7.

Defendant has filed with the Clerk of Court for the Superior Court of Towns County a Notice of Filing Petition for Removal pursuant to 28 U.S.C. § 1446(d), attached hereto as Exhibit C.

WHEREFORE, Defendant requests that this Court allow the removal of this action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted this 19th day of December, 2023.

FREEMAN MATHIS & GARY, LLP

/s/ Marc H. Bardack

MARC H. BARDACK

Georgia Bar No. 037126

/s/ Aaron P. Miller

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing *PETITION FOR REMOVAL* to the Clerk of Court using the *CM/ECF* filing system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants. Counsel of record are:

Ahkitab Khan, Esq. Jan P. Cohen, Esq. Kenneth S. Nugent, P.C. 1355 Peachtree Street, NE The Peachtree, Suite 1000 Atlanta, GA 30309 akhan@attorneykennugent.com jcohen@attorneykennugent.com	Jason D. Darneille, Esq. Gower Wooten & Darneille, LLC 4200 Northside Parkway NW Building 12 Atlanta, GA 30327
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This 19th day of December, 2023.

/s/ Marc H. Bardack
MARC H. BARDACK
Georgia Bar No. 037126

Counsel for Defendant Francis Navarre

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